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9 *Counsel for Plaintiff Andrew Okusko*

10

11 **UNITED STATES DISTRICT COURT**

12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

13 **SAN FRANCISCO DIVISION**

14 ANDREW OKUSKO, individually and on behalf
15 of all others similarly situated,

16 Plaintiff,

17 v.

18 DYNAMIC LEDGER SOLUTIONS, INC., THE
TEZOS FOUNDATION, KATHLEEN
19 BREITMAN, ARTHUR BREITMAN, and
TIMOTHY DRAPER,

20 Defendants.

21 Case No. 3:17-cv-06829-RS

22 **CLASS ACTION**

23 **PLAINTIFF'S NOTICE OF MOTION AND
MOTION FOR PRELIMINARY
INJUNCTION**

24 [This motion will be subject to a motion for an
order shortening time pursuant to L.R. 6-1.]

25 Date: January 11, 2018

Time: 1:30 p.m.

Judge: Hon. Richard Seeborg

Crtrm.: 3, 17th Floor

25 **TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**

26 **PLEASE TAKE NOTICE** that on January 11, 2018, at 1:30 p.m., or as soon as the matter may

27 be heard, in Courtroom 3, 17th Floor of the Honorable Richard Seeborg of the United States District

28 Court for the Northern District of California, located at 450 Golden Gate Avenue, San Francisco, CA

1 94102, Plaintiff Andrew Okusko (“Plaintiff”), by and through his respective attorneys, will and hereby
 2 does move this Court under Rule 65 of the Federal Rules of Civil Procedure, to preliminarily enjoin
 3 Defendants Dynamic Ledger Solutions, Inc. (“DLS”), The Tezos Foundation, Kathleen Breitman
 4 (“K. Breitman”), and Arthur Breitman (“A. Breitman,” and together with K. Breitman, the “Breitman
 5 Defendants,” and collectively with DLS, The Tezos Foundation, and K. Breitman, “Defendants”), from
 6 transferring or dissipating assets raised in connection with the Tezos ICO, including, but not limited to,
 7 Bitcoin, Ether, and any other assets that Defendants have since purchased with funds raised in the Tezos
 8 ICO. Such assets rightfully belong to Plaintiff and the Class and thus Plaintiff seeks an order
 9 (i) preliminarily enjoining the Breitman Defendants from requesting or receiving funds from the
 10 investments collected during the Tezos ICO for the payment of legal fees involving this and related
 11 actions alleging Defendants unlawfully offered and sold unregistered securities during the Tezos ICO;
 12 (ii) preliminarily enjoining Defendants from making further transfers or dissipations of the investments
 13 collected during the Tezos ICO, or using such funds in any further purchases or transactions;
 14 (iii) requiring an accounting of the remaining funds and assets invested by Plaintiff and the Class;
 15 (iv) freezing Defendants’ accounts holding the funds invested during the Tezos ICO; and (v) imposing
 16 a constructive trust over the funds and assets rightfully belonging to Plaintiff and the Class, pending a
 17 determination by the Court on whether Tezos ICO investors are entitled to rescission of their BTC and
 18 ETH investments due to Defendants’ violations of the federal securities laws.

19 As detailed in the accompanying Memorandum of Points and Authorities, Plaintiff alleges
 20 Defendants offered and sold unregistered securities during the Tezos ICO in direct violation of
 21 Sections 12(a)(1) and 15(a) of the Securities Act of 1933, entitling Plaintiff and investors in the Tezos
 22 ICO the right to rescission of their investments, and Plaintiff respectfully requests that the Court enjoin
 23 Defendants from making any transfers of the investments raised by the Tezos ICO, pending a
 24 determination by the Court as to whether Tezos ICO investors are entitled to a rescission of their
 25 investments made relating to the Tezos ICO.

This Motion is made and based on this Notice, the accompanying Memorandum of Points and Authorities, the declaration of Rosemary M. Rivas and the exhibits thereto, the proposed order granting preliminary injunction, all records and files in this action, and such other matter, evidence, and argument as may be presented at or prior to the a hearing on the Motion.

Respectfully submitted,

Dated: December 4, 2017

LEVI & KORSINSKY, LLP

By: /s/ Rosemary M. Rivas

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Counsel for Plaintiff Andrew Okusko

1 **PROOF OF SERVICE**

2 I hereby certify that on December 4, 2017, I authorized the electronic filing of the foregoing:

- 3 1. PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR PRELIMINARY
4 INJUNCTION;
- 5 2. PLAINTIFF'S MEMORANDUM OF POINTS & AUTHORITIES IN SUPPORT OF
6 PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION;
- 7 3. DECLARATION OF ROSEMARY M. RIVAS IN SUPPORT OF PLAINTIFF'S
8 MOTION FOR PRELIMINARY INJUNCTION; and
- 9 4. [PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR PRELIMINARY
10 INJUNCTION

11 using the CM/ECF system and I hereby certify that I caused to be mailed these documents via the
12 United States Postal Service to the following defendant:

13 Dynamic Ledger Solutions, Inc.
14 c/o Jeffrey Kaban, Esq.
15 COOLEY LLP
16 3175 Hanover Street
17 Palo Alto, CA 94304

18 I further certify that I caused to be personally served the above documents along with the
19 summons, complaint, and other new case documents upon the following defendants:

20 Arthur Breitman
21 111 N. Rengstorff Avenue, Apt. 78
22 Mountain View, CA 94043

23 Kathleen Breitman
24 111 N. Rengstorff Avenue, Apt. 78
25 Mountain View, CA 94043

26 Timothy Draper
27 172 Elena Avenue
28 Atherton, CA 94027

29 I certify under penalty of perjury under the laws of the United States of America that the
30 foregoing is true and correct. Executed on December 4, 2017, in San Francisco, California.

31 _____
32 /s/ *Rosemary M. Rivas*
33 Rosemary M. Rivas